

REMARKS

In the foregoing amendments, claim 6 and 10 were amended by changing the expression "increasing or decreasing" to the word "changing." The word "changing" was previously set forth in claim 6 and 10. Claims 6-12 are in the application for consideration by the examiner at this time.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The foregoing amendment to claim 6 and 10 replaces the expression "increasing or decreasing" with the word "changing." The word "changing" was previously set forth in claims 6 and 10 in the same context as now presented. A similar expression "changes" in a similar context appears in claim 9. In addition, it is believed that the expression "increasing or decreasing" and the word "changing" have identical or at least very similar meanings, as used in the context of applicant's claims 6 and 10. Therefore, it is not believed that the amendment to claims 6 and 10 can raise any new issue requiring further consideration and/or search. Furthermore, it is believed that the amendment to claims 6 and 10 removes the rejection under 35 U.S.C. §112, first paragraph, that was set forth in the outstanding Office action, thereby reducing issues for appeal. For the foregoing reasons, applicant respectfully requests that the foregoing amendment to claims 6 and 10 be entered under the provisions of 37 C.F.R. §

1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

Claims 6-12 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Official action stated that in claims 6 and 10 the expression "increasing or decreasing" is not properly described in the application. While the applicant does not agree with this position, in order to expedite the prosecution of this application, the expression "increasing or decreasing" in claims 6 and 10 was amended back to the expression "changing" as previously set forth. The word "changing" was used in original claims 1 and 5 in the same context as present claims 6 and 10. This word is also used in applicant's specification disclosure. Or For these reasons, it is respectfully submitted that the present specification disclosure provides a written description of the word "changing," and thus provides a written description of the invention set forth in claims 6 and 10 and the claims that depend thereon. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection set forth in the outstanding Office action under 35 U.S.C §112, first paragraph.

In addition, the Official action stated that applicant should specify a range of predetermined threshold value. Applicant respectfully submits that this is not necessary or proper. The present claims do not set forth any predetermined threshold value. In addition, any person skilled in the art would understand the use of initial values for brightness, saturation, and hue for the

background or display portions as set forth in applicant's claims. Therefore, applicant respectfully submits that any person skilled in the art would easily be enabled to make and use the invention as set forth in these claims. For at least these reasons, applicant respectfully request that the examiner reconsider and withdrawal the rejection under 35 U.S.C. §112, first paragraph, that was set forth in the outstanding Office action.

The Official action set forth a single prior art rejection over two U.S. patents from the bottom of page 2 through the top of page 5 thereof. The first sentence of the rejection listed U.S. patent No. 6,618,045 of Lin and U.S. patent No. 4,847,603 of Blanchard. However, the body of the rejection discussed U.S. patent No. 5,952,992 of Helms and U.S. patent No. 6,269,195 of Gonsalves *et al.* (Gonsalves). Elsewhere, the Official action implied that the previous rejections (including that over Lin and Blanchard) are moot. For these and other reasons, it was believed that the Official action made the rejection over the teachings of Helms and Gonsalves. This was confirmed in a telephone interview with Examiner Javid A. Amini.

A corrected Official action was mailed on October 3, 2005. The corrected Official action stated that claims 6-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the aforesaid Helms and Gonsalves. This rejection is set forth on pages 2 through 5 of the corrected Official action. Applicant respectfully submits that the inventions set forth in claims 6-12 are patently

distinguishable from the teachings of Helms and Gonsalves within the meaning of 35 U.S.C. § 103(a) for at least the following reasons.

The teachings of Helms and Gonsalves do not disclose or suggest the basic structures of the presently claimed invention. The Official action set forth a question concerning applicant's claimed invention on page 3, lines 13-19, thereof. Here, the Official action questioned: Is the combination of the displayed portion and the background portion considered as one image or are they considered as two different images (e.g., image 1 and image 2)? Within the framework proffered by this question, it is believed that the Official action is equating the display of a solid color with the display of an image. Considered this way, applicant's claimed invention involves the display of two different images. The first is the background image (i.e., a solid color), and the second image is displayed in front of or on the background. The teachings of Helms and Gonsalves do not contemplate or suggest such an arrangement, which is defined in applicant's claims.

The teachings of Helms proposed adjusting the brightness level of an LCD based on ambient lighting conditions through the use of a backlight driver circuitry that includes a photodetector indicating the level of ambient light striking the front of the LCD. Applicant respectfully submits that the teachings of Helms, as well as those of Gonsalves, suffer the same deficiency as the teachings of Lin, which was cited against applicant's claims in the previous Office action. Namely, in the type of LCD proposed in Helms the brightness of

the entire displays changes including the foreground image and the background color, so that there is a same difference in brightness in the background and the foreground as before the change. In other words, there is no change in brightness between the background color and a foreground image within the teachings of Helms, and the teachings of Helms, as well as those of Gonsalves, suffer the same deficiencies as explained for the teachings of Lin in applicant's response filed on May 24, 2005, which are incorporated herein by reference.

In applicant's claimed invention, such as set forth in independent claims 6 and 10, the difference in the brightness, saturation and/or hue between the background color and the foreground color is changed by the changing means. In contrast thereto, in the teachings of Helms, the brightness, contrast, and color of the entire display are changed, not portions thereof relative to each other (i.e., the foreground relative to background) as required in applicant's claims. Therefore, applicant respectfully submits that the teachings of Helms cannot contemplate or suggest the inventions as set forth in present claims 6 and 10 where the change means changes (increases or decreases) at least one of the respective brightness, saturation and hue of the color displayed in the background portion relative to the respective brightness, saturation and hue of the at least one image displayed in the display portion.

The teachings of Gonsalves were cited as suggesting, in Figure 5 thereof, the illustration of two different images (image1 and image2). The Official action

stated that image1 can be any type of image (e.g., bar graphs), because it can be dynamic and/or static data and the data source is different from the image2 data source. The Official action concluded that the teachings of Helms and Gonsalves can be combined, so as to arrive at the presently claimed invention. Applicant respectfully submits that the teachings of Gonsalves suffer similar deficiencies as the teachings of Helms. As shown in Fig. 5 of Gonsalves the two different images are assembled together in a blender 74 to form a composite image 76. Applicant can find no discussion in Gonsalves concerning adjusting the brightness, hue, or contrast of image1 relative to image2 after the composite image is formed. For at least this reason, applicant respectfully submits that the combined teachings of Helms and Gonsalves cannot suggest the inventions defined in present claims 6 and 10, or the claims that depend thereon.

With respect to claims 7-12, the Official action took the position that the use of an LCD in a cabin of a construction machine is obvious. Applicant respectfully submits that the Patent Office should cite a teaching reference for this aspect of the invention. Otherwise, applicant respectfully requests that this position be withdrawn.

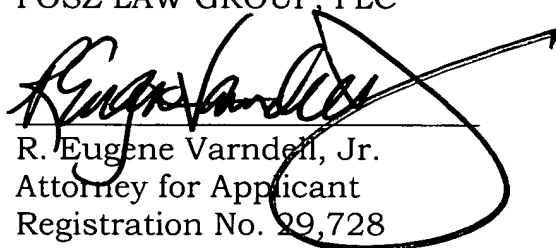
For the foregoing reasons, applicant respectfully submits that the inventions defined in claims 6-12 are patently distinguishable from the teachings of Helms and Gonsalves within the meaning of 35 U.S.C. §103 and

that the rejection of claims 6-12 over these teachings should be reconsidered and withdrawn.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 6-12 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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